

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL M. ROBY, etc.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05CV494-MHT
)	
BENTON EXPRESS, INC., et al.,)	
)	
Defendants.)	

ORDER

On 5 December 2005, the plaintiff filed a Renewed Motion to Compel (Doc. # 40). The motion requests an order directing the defendants to produce “information involving the workers compensation claim of Craig Stephen’s widow”. The defendants maintain that discovery of such information is inappropriate. The plaintiff has certified that good faith attempts to resolve this discovery dispute have been unsuccessful.

The court has not construed the plaintiff’s request to include the amount of workers compensation payments made, the dates of the payments, or the total amount of the payments. Rather, the plaintiff appears to have requested information which demonstrates “if Benton has settled the claim, paid benefits, or has agreed to pay workers compensation benefits after this case is resolved” (Doc. # 40). Plaintiff seeks this information to discover evidence of whether Mr. Stephens acted within the line and scope of his employment.

Upon consideration of the parties’ inability to resolve this dispute, it is ORDERED as follows:

1. Counsel for the parties shall appear before the court for argument and a hearing on the discovery dispute on 23 January 2006 at 10:00 a.m., in Courtroom 5A, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.
2. Counsel shall confer before the hearing in an attempt to determine if a protective order will protect each party's interests. If so, counsel shall jointly submit a proposed protective order on or before 20 January 2006.
3. Counsel are REMINDED that they should be able to resolve discovery disputes, and that the court is reluctant to intervene. Moreover, counsel are CAUTIONED that, should the court determine that either party has unreasonably requested, or unreasonably withheld, discovery, the court shall impose monetary sanctions upon the offending party.

DONE this 10th day of January, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE